

RECEIVED
CENTRAL FAX CENTER

SEP 25 2007

REMARKS

This is in response to the Office Action dated June 25, 2007. In view of the following representations, reconsideration is respectfully requested.

A clean copy of pending claims 1-10 is presented above for the Examiner's convenience.

On pages 2-4 of the Office Action, claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable Schnell (U.S. Patent No. 527,815) in view of Thomas (U.S. Patent No. 2,457,613). This rejection is respectfully traversed for the following reasons.

The present invention, as defined in claim 1, requires a bubble gauge for determining a level of the telescoping arm. The bubble gauge is mounted at a position that corresponds to a reference line of graduations of the slide scale that is movable by telescoping a telescoping arm. With the claimed bubble gauge, while the telescoping arm 3 is telescoped so as to be level, the degree of an inclination of an object to be measured, with respect to a vertical direction, can be measured by the graduations of the slide scale.

Schnell discloses a measuring instrument (spirit level) and attachments for the spirit level that permit it to be used for purpose of laying gas, sewer, and other pipes at desired angles to the horizontal.

In the explanation of the rejection, the Examiner takes the position that Schnell discloses:

"a) a main body frame (Fig. 1) that is to be arranged along a vertical face to be measured (Fig. 1), the main body frame having a first end and a second end (Fig. 1); and . . . for determining a level of the telescoping arm (Fig. 1). . . the telescoping arm is adjusted so that the telescoping arm is level as indicated by the gauge (Fig. 1);

b) wherein the gauge determines a level of the telescoping arm in a telescoping direction (Fig. 1); ... i) wherein when the telescoping arm becomes level as indicated by the gauge, the inclination of the face to be measured is indicated by the slide scale (12) on the telescoping arm (Fig. 1)."

However, the Examiner's interpretation of the Schnell is completely incorrect because the Schnell spirit level attachments are to be arranged along a horizontal face to be measured. Clearly, Schnell does not provide a gauge for determining a level of the telescoping arm as required in claim 1. Rather, the Schnell gauge is for determining a level of the main body frame.

Further, in the Schnell device, the telescoping arm is arranged perpendicular to the main body frame, which is provided with a spirit level. Therefore, even if the main body frame in Schnell is arranged along a vertical face, it would not be possible to determine the level of the telescoping arm. Thus, modifying the Schnell measuring device with the bubble gauge taught by Thomas would lead to the same result, that is, an instrument in which the level of the telescoping arm cannot be determined.

Note that the specific language of claim 1 is clearly not disclosed or suggested by the Schnell/Thomas combination as proposed by the Examiner. For example, claim 1 is directed to an inclination measurement instrument for measuring an inclination with respect to a vertical direction. As discussed above, the Schnell device is for measuring the inclination of an object with respect to a horizontal direction.

Claim 1 also specifies that "the telescoping arm has a slide scale that is movable by telescoping the telescoping arm and a bubble gauge for determining a level of the telescoping arm, the bubble gauge being mounted at a position corresponding to a reference line of graduations of the slide

scale." As discussed above, Schnell does not have any device for measuring the level of the telescoping arm. Accordingly, it follows that the specific position of the bubble gauge, required in claim 1, is clearly not met by the Schnell/Thomas combination.


In view of the above, it is submitted that the present invention, as defined in claim 1 is clearly patentably distinct from applied prior art references. Accordingly, the Examiner is requested to withdraw the rejection of claims 1-10 and pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Takehiko KISHIKAWA

By:



Michael S. Huppert

Registration No. 40,268

Attorney for Applicant

MSH/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 25, 2007